Attorney, Docket No. 3009079 US01

1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francis X. Smith Art Unit:

Serial No.: 10/544,149 Examiner: Leonard Smith

Filing Date: August 1, 2005

Title: IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS

WITH A PEROXIDE SOURCE AND A CATIONIC POLYMERIC

PRESERVATIVE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.97, Applicants and their legal representatives hereby make of record the references on attached Form PTO-1449 which are known by them and considered warranting disclosure under 37 C.F.R. § 1.56. The best available copies of all the foreign references cited are submitted herewith.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed per se as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

Applicants and their legal representatives believe this submission is being presented before the Examiner issued an office action on the merits and therefore, no fee is due for this submission. However, the Commissioner is authorized to charge any deficiencies or credit any excess payments to our Deposit Account No. 50-3010.

Attorney. Docket No. 3009079 US01 Page 2

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

Registration No. 58,0

HISCOCK & BARCLAY, LLP

Date

Hiscock & Barclay, LLP 2000 HSBC Plaza Rochester, NY 14604-2404 Phone: (585) 325-7570 Fax: (585) 325-5458

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Complete if Known

Application Number 10/544,149

INTEGRAM ATTION DISCLOSURE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

	Complete if Known)
Application Number	10/544,149	
Filing Date	August 1, 2005	
First Named Inventor	Francis X. Smith	
Art Unit	1615	
Examiner Name	Leonard Smith	
Attorney Docket Number	3009079 US01	

	U.S. PATENT DOCUMENTS					
Examiner initials *	Cite No 1	Cite Document Number No 1 Number - Kind Code ² (if known)	Publication Date MM-DO-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear	
	1	US- 2,976,576	03-28-1961	O. Wichterle et al.		
	2	US- 3,429.576	02-25-1969	Yoshiaki Ikeda		
	3	US- 3,503.393	03-31-1970	R, E. Manley		
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	20	US- 4,209,817	06-24-1980	McGinnis		

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	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,		
Examiner Initials*	No.1	Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	Τ ^e	
	21	GB 1.398,058	03-15-1973	Farmaceutisk			
	22	JP 58010517 A	01-21-1983	Santen Pharmaceutical			
	23	WO 92/04905	04-02-1992	Abraham et al.			
	24	WO 92/11876	07-23-1992	Schering Corp.			
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	28	WO 96/06603	03-07-1996	Alcon Laboratories			
	29	WO 97/34834	09-25-1997	Bio-Lab, Inc.			

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Substitute for form 1449A/PTO Complete if Known Application Number 10/544.149 INFORMATION DISCLOSURE August 1, 2005 Filma Date STATEMENT BY APPLICANT First Named Inventor Francis X. Smith Art Unit 1615 (Use as many sheets as necessary) Examinor Name Leonard Smith Sheet of 6 Attorney Docket Number 3009079 US01

			U.S. PATENT I	DOCUMENTS	
Examiner	Cite	Document Number	Publication Date	Name of Patentee or Applicant of Caso Document	Pages, Columns, Lines, Where Relevant
Initials *	No."	Number - Knd Code ² (If known)	MM-DD-YYYY	Capa Document	Passages or Relevant Figures Appear
	30	US- 4,354.952	10-19-1982	Reidhammer et al.	
	31	US- 4.361,458	11-30-1982	Grajek et al.	
	32	US- 4,361,548	11-30-1982	Smith et al.	
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	34	US- 4,394,381	07-19-1983	Sherrit	
	35	US- 4,439,417	03-27-1985	Matsunaga et al.	
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	37	US- 4,599,360	07-08-1986	Fukami et al.	
	38	US- 4,748,189	05-31-1988	Su et al.	
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Examiner Initials*	No.	Country Code ⁹ - Number ⁴ - Kind Code ⁸ (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Floures Appear	Τ ^e	
	50	, WO 97/41215	11-06-1997	Nove Nordisk A/S			
	51	EP 0 812 592 A1	12-17-1997	Kikkoman Corp.			
	52	JP 10-108899	04-28-1998	Tomey Technol Corp			
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	57	, WO 00/07634	02-17-2000	NDT, Inc.			
	58	WO 00/11514	03-02-2000	Senju Pharmaceutical			

Examiner Signature	Date Considered	

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Attorney Docket Number

Sheet 3

of 6

	U.S. PATENT DOCUMENTS					
Evaminer	Cite	Document Number	Publication Date	Name of Patentee or Applicant of	Pages, Columns, Lines Where Relevant	
Indials *	No 1	Number Kind Code ² (f known)	MM-DD-YYYY	Cited Document	Passeges or Relevent Figures Appear	
	59	US-5,078.908	01-07-1992	Ripley et al.		
	60	US- 5,089.261	02-18-1992	Niteckl et al.		
	61	US- 6,122,354	06-16-1992	Tsuji et al.		
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	65	US- 5.192.535	03-09-1993	Davis et al.		
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Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T°	
	79	EP 0 923 950 A3	12-27-2000	Tomey Corporation			

1	Examiner	Date
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ı	Orginatore	551045155

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Complete If Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

 Application Number
 10/544,149

 Filing Date
 August 1, 2005

 First Manned Inventor
 Francis X. Smith

 Art Unit
 1615

 Examinen Nume
 Leonard Smith

 Adatracy Docket Number
 3009/79 US01

(Use as many sheets as necessary)
Sheet 4 of 6

	U.S. PATENT DOCUMENTS						
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	80	US- 5,661,130	08-26-1997	Meezan et al.			
	81	US- 5,674,450	10-07-1997	Lin et al.			
	82	US- 5,691.379	11 25 1997	Uirich et al.			
	83	US- 5,718,895	02-17-1998	Asgharian et al.			
	84	US- 5,719,110	02-17-1998	Cook			
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	86	US- 5,770,582	06-23-1998	von Borstel et al.			
	87	US- 5.780.450	07-14-1998	Shade			
	88	US- 5.807.585	09-15-1998	Martin et al.			
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	90	US- 5,854.303	12-29-1998	Powell et al.			
	91	US- 5,869,468	02-09-1999	Freeman			
	92	US- 5,888,950	03-30-1999	Potini et al.			
	93	US- 5,891,733	04-06-1999	Inoue			
	94	US- 6,926.317	07-20-1999	Rogalskyj et al.			
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	98	US- 5.925,320	09-14-1999	Davidsen et al.			
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		FOREIGN PA	TENT DOCU	MENTS		
	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines, Where Relevant	
Examiner Initials*	No.1	Country Cade ³ - Number ⁴ - Kind Code ⁵ (if known) MM-DD-YYYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T ⁶	

Examiner Signature	Date Considered	
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*EXAMNER: Initial if reference considered, whether or not claims us a conformance with MPEF 600. Draw line through cludios if not in conformance that committeed include copy of this form with next commissation to applicate. "Applicant's unique claimin designation number (optossal)." See Kinel Colols of USPFO Prince Discourses as new wangs upon the PEF 901.06. "A color flow data sead or the content, by the two setters code (PMF 001.06. See ST). "For Inguistre advantants, the indication of the system of the response of the content point of the system code (PMF 001.06. See ST). "For Inguistre appropriate symptom an anticed can be determined; where "A smaller ST. See Inguistre and produce are not produced to the Contents." See all of decounted by the appropriate symptom an anticed can be determined under the produced to the Contents of the PEF of the

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Substitute for form 1449A/PTO		s are required to respond to a collection of information unless it contains a valid OMB control number Complete if Known				
				Application Number	10/544,149	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	August 1, 2005	
				First Named Inventor	Francis X. Smith	
-				Art Unit	1615	
	(Use as many she	ets as	necessary)	Examiner Name	Leonard Smith	
Sheet	5	of	6	Afterney Docket Number	3009079 US01	

U.S. PATENT DOCUMENTS						
Examiner Cite		Document Number	Publication Date	Name of Patentice or Applicant of Cited Document	Pages, Columns, Lines, Where Releva	
Initials *	No 1	Number - Kind Code ² (if known)	MM-DD-YYYY		Passages or Relevant Figures Appear	
	100	US- 5,968,904	10-19-1999	Julian et al.		
	101	US- 6,001.805	12-14-1999	Jaynes et al		
	102	US- 6,008,195	12-28-1999	Selsted		
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Examiner	Cite	Foreign Patent Document	Publication	Name of Palentee or	Pages, Columns, Lines, Where Relevant	
Initials*	No. [†]	Country Code ² - Number ⁴ - Kind Code ⁵ (# known)	Date MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T ⁶
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Examiner Signature	Date Considered	

EXAMPLE: Initial if reference considered, whether or not citation is in conformance with MPEP (69). Draw line through custom if not in conformance and not considered, idealed copy of this form with next communication in applicant. ¹/₂ Applicant's entities existing designation matter (optional). ¹See Natio Code of Communication and Code of C

This collection of information is required by 37 CFR 1,97 and 1.98. The information is required to obtain or intain a benefit by tine public which is to file (and by the USPT) to proceed a publication. Confidentially is governed by 31 U.S.C. 1.22 and 37 CFR 1.14. This collection is estimated to risk 2.3 beam to complete, pricingly and attentioning the completed explication from the the USPT Care that will not proceed the publication forms the USPT Care that will not proceed the publication forms the USPT Care that will not proceed the USPT Care that the USPT

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Substitute for form 1449B/PTO Complete if Known Application Number 10/544.149 INFORMATION DISCLOSURE August 1, 2005 Filing Date STATEMENT BY APPLICANT First Named Inventor Francis X. Smith Art Unit 1615 (Use as many sheets as necessary) Examiner Name Leonard Smith Sheet 6 of 6 Attorney Docket Number 3009079 US01

			1
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magezine, journal, serlal, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T 2
	119	BALLWEBER et al., "In Vitro Microbicical Activities of Cecropin Peptides D2A21 and D4E1 and Gel Formulations Centaining 0.1 to 2% D2A21 against Chiamydia trachomatis", Antimicrobial Agents and Chemotheraphy, Jan. 2002, pp 34-41, Vol. 48, No. 1	
	120	CREIGHTON, THOMAS E., "Proteins Structures and Molecular Properties", W.H. Freeman & Co., New York, 1984, pp 179-182	
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1	Examiner	Date	
ı	Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line

through citation if not in conformance and not considered. Include copy of this form with next communication to

applicant.

Applicants unique extainor designation number (optional), ** Applicant is to place a check mark here if English language Translation is attached. This collection of identication is regional by 3 CTE I, 3 En Information is required to obtain or retain a sheet lift by a policy back is to file (and by the USIYTO to process) is explicated. Confidentiality is governed by 3 U.S.C. 1.22 and 3 CTE I, 1.4. This collection is elidinated to take 2 hours to complete, including galdering properties, and substituting the complete inplication form to the USIYTO. Time with vary depending upon the individual case. Any comments on the moment of time you require to complete his form nades application form to the USIYTO. Time with vary depending upon the individual case. Any comments on the moment of time you require to complete his form nades application form to USIYTO. Time with vary depending upon the individual case. Any comments on the moment of time you require to complete his form nades application for the USIYTO. The William of the properties of the properties of the properties of the USIYTO. The USIYTO. The USIYTO. The USIYTO. The USIYTO. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O., Dox 1450, Alexandria, VA. 2331-3450.